

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 43573 WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/008603	International filing date (<i>day/month/year</i>) 30.07.2004	Priority date (<i>day/month/year</i>) 10.11.2003	
International Patent Classification (IPC) or national classification and IPC D01H4/48, D01H4/02, D01H1/115			
Applicant MASCHINENFABRIK RIETER AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>

<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-13 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 nos. 1-12 _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/5-5/5 _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	International application No. PCT/EP2004/008603
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims <u>1–12</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1–12</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1–12</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following document:

D1: EP 0 807 699 A (MURATA MACHINERY LTD) 19.
November 1997

2. D1 is considered to be the closest prior art D1 (the references in parentheses are to D1) discloses:

method of restarting a previously interrupted spinning process on a spinning device comprising an air jet unit (T) that has a drafting device (D) that can be stopped and a negative pressure chamber (11), wherein staple silver (6) supplied by the restarted drafting device (D) is temporarily sucked up as waste by a diversion device (20) once it has left the drafting device in order to rectify an initially inhomogeneous fiber stream, and the staple silver is linked to a thread guided through the air jet unit only once the fiber stream is homogeneous (column 5, lines 30–56).

D1 also discloses:

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Spinning device having a drafting device (D) that can be stopped when the spinning process is interrupted, an air jet unit (T) having a fiber-supply channel (7c), a thread-withdrawal channel (9c) and a negative pressure chamber (11) and a deviation device (20) for temporarily deviating staple silver (6) supplied by the drafting device (D) away from a thread (Y) to be linked therewith (column 5, lines 30-56).

- 2.1 The subject matter of the method described in independent claim 1 differs from the method disclosed in D1 in that *the negative pressure prevailing in the negative pressure chamber is used to help correct the inhomogeneous fiber stream.*
- 2.2 The subject matter of the device described in independent claim 6 differs from the device disclosed in D1 in that *the negative pressure chamber (16) is included in the deviation device and can be connected to the drafting device (3) via a connection channel (35, 37, 39).*
- 2.3 The subject matter of claim 1 and that of claim 6 are therefore novel (PCT Article 33(2)).
3. The problem to be solved by the present invention can be regarded as that of:
providing a method and a device with which more effective relinking of the staple silver and the thread can be achieved when the spinning process

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**
has been interrupted.

3.1 The solution to this problem as proposed in claim 1 and claim 6 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):

None of the documents cited in the search report discloses or suggests the possibility of including the negative pressure chamber (16) in the deviation device as described in claims 1 and 6.

4. Claims 2 to 5 are dependent on claim 1 and claims 7 to 12 on claim 6. Claims 2 to 5 and 7 to 12 therefore also meet the PCT requirements for novelty and inventive step.